

CCS HCS SS SB 749 -- RELIGIOUS BELIEFS AND CONVICTIONS

(Vetoed by the Governor -- Overridden by the General Assembly)

This bill changes the laws regarding the protection of the religious beliefs and moral convictions of certain persons and entities. The bill specifies that rights guaranteed under the bill are in addition to those guaranteed under Section 376.805, RSMo, relating to health plan coverage of abortion, and Section 376.1199, relating to health plan coverage of certain obstetrical and gynecological benefits and pharmaceutical coverage.

An employee or any other person cannot be compelled to obtain or any employer, health plan provider or sponsor, health care provider, or other entity be compelled to provide coverage for or be discriminated against or penalized for declining or refusing coverage for abortion, contraception, or sterilization in a health plan if the items or procedures are contrary to the religious beliefs or moral convictions of the employee, employer, health plan provider or sponsor, health care provider, or any other entity or person. A governmental entity, public official, or entity acting in a governmental capacity cannot discriminate against or penalize an employee, employer, health plan provider, health plan sponsor, health care provider, or any person or entity because of its or his or her unwillingness, based on religious beliefs or moral convictions, to obtain or provide coverage for, pay for, participate in, or refer for abortion, contraception, or sterilization in a health plan.

The Missouri Attorney General can bring a civil action in any appropriate state or federal court whenever he or she has a reasonable cause to believe that any person, entity, or group is being, has been, or is threatened to be denied any of the rights granted by law that protect the religious beliefs or moral convictions of the person or entity. These provisions cannot preclude a private cause of action by any person, entity, or group aggrieved by a violation of the provisions of the bill or other law that protects the religious beliefs or moral convictions of the person or entity or be considered a limitation on any other remedy permitted by law. A court may order any appropriate relief, including recovery of damages, payment of reasonable attorney fees, costs, and expenses.

The bill specifies that "sterilization" means any elective medical procedure for which the sole purpose is to make an individual incapable of reproduction.

Currently, a health carrier may issue a health benefit plan that excludes coverage for contraceptives based on a moral, ethical, or religious objection. The bill requires a health carrier to

offer and issue this type of plan to any person or entity. Any health benefit plan issued must provide clear and conspicuous written notice on the enrollee's health benefit plan enrollment form and the application and contract about whether an optional rider for an elective abortion has been purchased by the group contract holder and that an enrollee who is a member of a group health plan with coverage for elective abortions has the right to exclude and not pay for coverage for elective abortions if the coverage is contrary to his or her religious beliefs and moral convictions.

The provisions of the bill regarding the protection of religious beliefs and moral convictions of specified persons and entities in not being required to obtain or provide specified insurance coverage contain an emergency clause.